



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

tw
AF**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/766,684
	Filing Date	January 28, 2004
	First Named Inventor	Nabil L. Muhanna
	Group Art Unit	3738
	Examiner Name	Bruce Snow
Total Number of Pages in This Submission	Attorney Docket Number	126013-1003

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Supplemental Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement of Substance Of Interview Under 37 C.F.R. 1.133 <input checked="" type="checkbox"/> Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Or Individual Name	Monique A. Vander Molen, Reg. No. 53,716
Signature	<i>Monique A. Vander Molen</i>
Date	February 20, 2007

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being mailed to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or Printed Name	<i>Anne Ziegler</i>		
Signature	Anne Ziegler	Date	February 20, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and selection option 2



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Nabil L. Muhanna et al.

Serial No.: 10/766,684

Filing Date: January 28, 2004

Art Unit: 3738

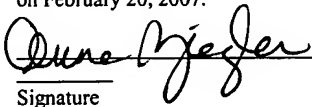
Examiner: Bruce Edward Snow

For: ARTIFICIAL INTERVERTEBRAL DISC

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, with sufficient postage, addressed to: Mail Stop AF Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 20, 2007.

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Signature

Anne Ziegler
Typed name of person signing certificate

**STATEMENT OF SUBSTANCE OF INTERVIEW
UNDER 37 C.F.R § 1.133**

Dear Sir:

Applicants submit this Statement of Substance of Interview in accordance with 37 C.F.R § 1.133 to be made of record for the above-identified application for patent and respectfully request entry of the statement as set forth herein.

Applicants first wish to thank the Examiner for agreeing to a telephone interview held on or about February 7, 2007, between the Examiner and Applicants' representative. In the interview, the substance of an Office Action made final and mailed on January 11, 2007, as well as a Supplemental Amendment filed by Applicant's representative on December 22, 2006, were discussed. The Examiner, upon review of the Supplemental Amendment, agreed with the substance of the Supplemental Amendment and that the reference cited in the final Office Action mailed January 11, 2007, namely U.S. Publication No. 2005/0256577 to Baumgartner was not, in

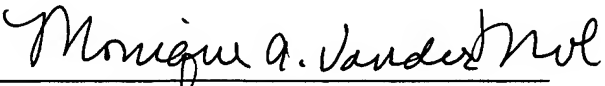
fact, a prior art reference. The Examiner subsequently agreed to remove from the record the finality of the Office Action mailed January 11, 2007.

This is intended to be a written statement as to the substance of a telephone interview held on or about February 7, 2007, to be made of record in the application for patent.

Please direct any correspondence to the practitioner listed below at Customer No. 32914.

Dated: February 20, 2007.

Respectfully submitted,
GARDERE WYNNE SEWELL LLP



Monique A. Vander Molen
Registration No. 53,716

1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761
(214) 999-4330 – Telephone
(214) 999-3623 – Facsimile